

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

THE STATE OF MISSOURI,
ex rel. ERIC S. SCHMITT, in his official
capacity as Missouri Attorney General,

Plaintiff,

v.

THE PEOPLE’S REPUBLIC OF CHINA,
THE COMMUNIST PARTY OF CHINA,
NATIONAL HEALTH COMMISSION
OF THE PEOPLE’S REPUBLIC OF
CHINA, MINISTRY OF EMERGENCY
MANAGEMENT OF THE PEOPLE’S
REPUBLIC OF CHINA, MINISTRY OF
CIVIL AFFAIRS OF THE PEOPLE’S
REPUBLIC OF CHINA, PEOPLE’S
GOVERNMENT OF HUBEI
PROVINCE, PEOPLE’S GOVERNMENT
OF WUHAN CITY, WUHAN INSTITUTE
OF VIROLOGY, and CHINESE
ACADEMY OF SCIENCES,

Defendants.

Case No. 1:20-cv-00099-SNLJ

**PLAINTIFF’S REQUEST FOR ORAL ARGUMENT ON THE ISSUES RELATING TO
JURISDICTION AND SERVICE OF PROCESS RAISED IN THE COURT’S ORDER OF
JANUARY 6, 2022 AND BRIEFED BY PLAINTIFF AND *AMICI CURIAE***

Pursuant to the Court’s Local Rule 4.02(B), Plaintiff State of Missouri ex rel. Eric S. Schmitt (“Missouri”) respectfully requests oral argument on the issues relating to FSIA jurisdiction and service of process raised in the Court’s Order of January 6, 2022 (Doc. 47), and addressed in the two briefs filed by Missouri (Docs. 35, 54) and the six briefs filed by *amici curiae* (Docs. 17, 34, 42, 46-1, 50, 51) relating to those issues.

Local Rule 4.02(A) provides that motions shall typically be submitted without oral argument, but “[t]he Court may in its discretion order oral argument on any motion.” E.D. Mo.

Local Rule 4.02(A). Local Rule 4.02(B) provides that “[a] party requesting the presentation of oral argument or testimony in connection with a motion shall file such request with its motion or memorandum briefly setting forth the reasons which warrant the hearing of oral argument or testimony.” E.D. Mo. Local Rule 4.02(B).

Here, no Defendant has entered an appearance, and no motion is pending, but non-party *amici curiae* have nevertheless sought to launch both facial and factual attacks on the Court’s jurisdiction. The Court’s Order of January 6, 2022, raised a series of issues relating to the Court’s subject-matter jurisdiction, the validity of service of process on three of the nine Defendants, FSIA immunity, and judicial notice of disputed facts, all of which involve significant, complex, and interrelated issues. Missouri and the two *amici* have filed a total of eight briefs on these and related questions, comprising over 170 pages of written argument. The case raises questions of enormous public importance, concerning the origins of the COVID-19 pandemic that has killed over 18,000 people in Missouri and over 5.8 million people worldwide. Oral argument will be useful to clarify the many issues addressed in the briefing and focus Plaintiff’s and *amici*’s attention on the questions of most pressing interest to the Court.

For the purposes of this request, Missouri does not object to the presentation of oral argument by counsel for *amici curiae* opposing Missouri, in addition to counsel for Missouri.¹ Counsel for Missouri can be available for oral argument at a date and time most convenient for the Court, but respectfully requests that any hearing not be scheduled on March 14-21, 2022.

¹ Missouri does not concede that The China Society of Private International Law is a proper *amicus curiae*, because it is evidently under the control of the People’s Republic of China, which is a party Defendant in this case. *See* Doc. 54, at 41 n.8. Missouri does not object, however, to the China Society’s counsel presenting oral argument at a hearing on these issues, if the Court grants one.

CONCLUSION

For the reasons stated, Missouri respectfully requests oral argument on the issues relating to jurisdiction and service of process raised in the Court's Order of January 6, 2022, Doc. 47, and addressed in the eight briefs on these issues filed by Missouri and *amici curiae*, Docs. 17, 34, 35 42, 46-1, 50, 51, 54.

Dated: February 17, 2022

Respectfully submitted,

ERIC S. SCHMITT
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

On February 17, 2022, I caused the foregoing to be filed through the Court's electronic filing system to be served by electronic notice on all counsel for parties and *amici* who have appeared in this case.

/s/ D. John Sauer